


Notice of Allowability	Application N .	Applicant(s)	
	10/689,631	ITO, TERUAKI	
	Examiner	Art Unit	
	Lisa M Caputo	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10 May 2004.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 22 October 2003 and 10 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>052604</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>052804</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment and drawing correction filed 10 May 2004.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Arthur Crawford (Reg. No. 25,327) on 28 May 2004.

The application has been amended as follows:

In the claims:

Regarding claim 8, line 2: "claim 1" has been replaced by --claim 4--.

Allowable Subject Matter

3. Claims 1-8 are allowed.
4. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest the specific bar code generating apparatus. The prior art of Young et al. (U.S. Patent No. 3,909,203, from hereinafter "Young") teaches an identification system for labeling specimen tubes with machine-readable data.

Young discloses that the photo-optical reader 93, which is a portion of the optical specimen tube identification reader 57, as shown in FIG. 6, is connected

to a specimen identification register 161 and to the clock 155, so that, at the initiation of each clock pulse, the reader 93 will output data read serially from the identification label 85 shown in FIGS. 4, 5 and 6 into the register 161. This identifying number, which, as indicated above, is in binary-coded-decimal form, may conveniently be converted to binary code in a converter 163, and then placed directly in the register 161. A register counter 165 is a routinely utilized expedient to connect the clock 155 to the register 161, and to place the data from the converter 163 in the proper sequential location within the register 161. The specimen identification from the converter 161 is conveniently placed in a predetermined number of least significant bits of the register 161, and the more significant bits are connected to the counter 159 so that each sequential position of the register 161, under control of the register counter 165, will contain, in the most significant bits, data 167 identifying the location in the specimen rack array of the specimen 31 being identified, and will contain, in the least significant bit locations, data 169 specifying the identifying number from the label 85 on the specimen tube 31 (see Figures 4-6, col 9, lines 30-56).

However, Young does not teach the claimed apparatus that comprises the specific arrangement of the specimen container holder, a holder conveyance device, a sensor that senses information indicating that the holder conveyance device conveys the specimen container holder to a specific position and outputs the information, a conveyance temporary stop mechanism that operates on information output from the sensor, a rotation control mechanism, an electronic camera to take images of the information on a surface of the specimen container

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as it is rotated by the rotation control mechanism, and a bar-coding device which codes the recording information into a bar code based on the data of the image picked up by the camera. Hence, independent claim 1 and its dependent claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



LMC

May 28, 2004



**THIEN M. LE
PRIMARY EXAMINER**